

PHARMACY EXAMINING BOARD
REGULAR MEETING
JULY 9-10, 2001

MEMBERS PRESENT: Cynthia Benning, RPH; Michael Bettiga, RPH; John Bohlman, RPH; Georgina Forbes; Dan Luce, RPH; Charlotte Rasmussen (arrived 1:07 p.m.); Sue Sutter, RPH

LEGAL COUNSEL: William Black

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS: Marilyn Windschiegel, State Medical Society; Tom Engels and Susan Kleppin, PSW; Paul Krueger, Hilbert & Tenuta; Sarah Fictum, UW-SOP; Megan Kruger, student; Michelle Long and Brian McIlhone, Walgreens; Rich McCormick and Lynn Nagorski, Purdue; Paul Rosowski, PIB; Jamie Statz Paynter, Dean Pharmacy; Elizabeth Nelson, Women's International Pharmacy

CALL TO ORDER

Chair John Bohlman called the meeting to order at 1:02 p.m.

APPROVAL OF AGENDA

Amendments: -Discussion of self-inspection form

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the agenda as amended. Motion carried unanimously.

DISCUSSION OF SELF-INSPECTION FORM

A few changes have been made to the draft of the self-inspection form. John Bohlman asked the Board members to complete and return the self-inspection forms by the end of July.

DISCUSSION REGARDING POSSIBLE LEGISLATIVE CHANGES INVOLVING THE
PHARMACY INTERNSHIP BOARD

The Board discussed the legislative changes regarding the Pharmacy Internship Board with Tom Engels, WPA. The proposed budget bill would eliminate funding for the PIB effective July 1, 2001, and the PIB as of December 31, 2001.

MOTION: Sue Sutter moved, seconded by Dan Luce, to approve language similar to assembly version AB section 1705, lines 6-22, and senate version section 533 lines 1-7. Motion carried unanimously.

UPDATE ON ITEMS IN THE BUDGET BILL

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to inform Governor McCallum that the Board maintains its opposition to having one of the five professional members of the Board to be required to have come from an institutional pharmacy, and the Pharmacy Examining Board requests this item be vetoed from the Budget. Motion carried unanimously.

FINAL ADOPTION OF CLEARINGHOUSE RULE 01-023 RELATING TO
MINIMUM EQUIPMENT

MOTION: Michael Bettiga moved, seconded Dan Luce, to adopt Clearinghouse Rule 01-023 relating to minimum equipment. Motion carried unanimously.

DISCUSSION OF MODIFICATIONS TO CLEARINGHOUSE
RULE 00-157 RELATING TO CONTINUING EDUCATION REQUIREMENTS

MOTION: Sue Sutter moved, seconded by Dan Luce, to send correspondence to the PSW Board of Directors inviting them to attend the August meeting of the Pharmacy Examining Board to discuss the proposed continuing education requirements in Clearinghouse Rule 00-157. Motion carried unanimously.

REVIEW AND DISCUSSION OF WISCONSIN ADMINISTRATIVE CODE PHAR 2.06
REDEFINING THE ACTIVE PRACTICE OF PHARMACY AND APPROVAL TO SUBMIT
TO CLEARINGHOUSE

The Board directed legal counsel to revise version 4, removing “to patients” and to insert 10% for the percentage figure. Legal counsel will bring the revisions to the August Board meeting.

REVIEW AND DISCUSSION OF THE CREATION OF WISCONSIN ADMINISTRATIVE
CODE PHAR 7.11 RELATED TO THE RECORDING AND REPORTING OF
MEDICATION ERRORS

After discussion it was decided that this proposed rule needs further study.

REVIEW AND ADOPTION OF INTERPRETATION OF WISCONSIN STATE STATUTES
450.11 RELATED TO PRESCRIPTION ORDER SIGNATURES

Sue Sutter strongly advocated sending this information to all licensees with prescriptive authority. Patrick Braatz suggested this information appear in the Medical Examining Board *Regulatory Digest*, before appearing in the PEB *Regulatory Digest*, in order to give doctors as much notice as possible. This item will be further discussed at the next Board meeting.

REVIEW AND APPROVAL FOR PUBLICATION OF SCOPE STATEMENT FOR CHANGE
OF PHARMACY LOCATION BASED UPON A DISASTER RECOVERY PLAN

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve publication of the scope statement regarding a change of pharmacy location based upon a disaster recovery plan. Motion carried unanimously.

REVIEW OF RESPONSE FROM THE MEDICAL EXAMINING BOARD RELATING TO
CORRESPONDENCE REGARDING WISCONSIN STATE STATUTES 450.13(2)

Sue Sutter will draft an article for the *Regulatory Digests* for the Pharmacy Examining Board and the Medical Examining Board (MEB). The opinion of the MEB is that preprinted information is allowable, but the licensee must make a physical mark to indicate that the preprinted information is to be followed. The Pharmacy Examining Board will continue to have further discussion with the MEB in regard to this matter before an article can be drafted.

RECESS

MOTION: Cynthia Benning moved, seconded by Dan Luce, to recess the meeting for the day. Motion carried unanimously.

Chair John Bohlman recessed the meeting for the day at 4:18 p.m. The meeting will reconvene in the morning at 9:00 a.m.

RECONVENE/CALL TO ORDER

Chair John Bohlman reconvened the meeting on July 10, 2001 at 8:00 a.m.

APPROVAL OF AGENDA

Amendments: -Additional variance request from Wausau Hospital Pharmacy-UW Cancer Center
-Additional information in the matter concerning Mark G. Anderson, R.Ph.

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 12-13, 2001

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve the Minutes of June 12-13 as written. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 15, 2001 TELEPHONE CONFERENCE CALL

MOTION: Michael Bettiga moved, seconded by Georgina Forbes, to approve the Minutes of the June 15, 2001 telephone conference call as written. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATION

KEVIN O'BRIEN, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Kevin O'Brien, R.Ph. This matter will be deliberated on in closed session.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES

These reports were informational.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Dan Luce moved, seconded by Michael Bettiga, to approve the distributor applications of **Allegiance Healthcare Corp, McGaw Park, IL; Burns Vet Supply, Richmond, VA; ESI Lederle Div. of American Home Product, Vonroe, TN; Exel Inc., Middleton, PA; Midwest Medical Dist., Oconto Falls; PCI Services, Philadelphia, PA; Salix Pharmaceuticals, Raleigh, NC; SunBelt Medica-Emergi-Source, Hilton Head, SC, and Tri State Industrial, Inc., Superior.** Motion carried unanimously.

VARIANCE REQUESTS

WELLNESS PHARMACY, INC, CEDARBURG

The Board needs more information from Timothy Gaginella, R.Ph., regarding exactly what type of drugs or devices he will be stocking and what, if any, dispensing he will be doing, in order to evaluate granting of a variance to section 6.06 or any other provision of Wisconsin Pharmacy Law.

WAUSAU HOSPITAL PHARMACY, WAUSAU

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the variance request of Wausau Hospital Pharmacy to Phar 7.01(em). Motion carried unanimously.

WAUSAU HOSPITAL PHARMACY-UW CANCER CENTER

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the variance request of Wausau Hospital Pharmacy-UW Cancer Center to Phar 6.06, with the understanding that all other equipment must be present, and to deny the variance request to Phar 6.04(3) 4. Motion carried unanimously.

NABP INFORMATION REGARDING ILLEGAL SHIPMENT OF MEDICATION TO THE UNITED STATES

This item was informational.

PRACTICE QUESTIONS

DEAN PHARMACY

The Board responded that the document is acceptable if it meets all the requirements of a valid prescription.

BELLEVILLE PHARMACY

The board interprets Wis. Admn. Code § Phar 8.12 (1) (a) as requiring that the location name of the transmitter be contained on the order, not the name of the individual sender.

RICHARD M ERICKSON, RPH

A vacation home can be a residence where designated as such by the patient.

REPORT OF PHARMACY INTERNSHIP BOARD

There was no report.

REPORT OF CONTROLLED SUBSTANCES BOARD

There was no report.

REGULATORY DIGEST

Articles are needed for the *Regulatory Digest*.

RECESS TO CLOSED SESSION

MOTION: Charlotte Rasmussen moved, seconded by Sue Sutter, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of meeting with A.A.G. Thomas Balistreri regarding the matter concerning Women's International Pharmacy, deliberation of a proposed stipulation, personal appearance requesting reinstatement of license, considering requests for stays of suspensions and modifications in board orders, reviewing a monitoring report, reviewing case status reports, discussion of examination issues and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Georgina Forbes – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter – yes. Motion carried unanimously.

Open session recessed at 9:55 a.m.

RECONVENE IN OPEN SESSION

MOTION: Sue Sutter moved, seconded by Dan Luce, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:50 p.m.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PERSONAL APPEARANCE/REQUEST FOR REINSTATEMENT OF LICENSE

MARK G. ANDERSON, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension to Mark G. Anderson, R.Ph., but deny the request for an increase in hours as pharmacist-in-charge (hours will remain at 8). Mr. Anderson must understand that all screens must be received in a timely manner according to the Order. Motion carried unanimously.

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

ROBERT V GUZETTA, RPH

MOTION: Michael Bettiga moved, seconded by Dan Luce, to grant a three-month stay of suspension pending fulfillment of the requirements of the Order to Robert V. Guzetta, R.Ph. Motion carried unanimously.

ROGER G IVERSON, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to deny the request for a three-month stay of suspension to Roger G. Iverson, R.Ph., and to inform Mr. Iverson that his counselor needs to validate the randomness of screens and explain the positive screens. Motion carried unanimously.

DAVID L KLEINGARTNER, RPH

David L. Kleingartner is to be informed that his license is suspended.

CRAIG W MOON, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension and an increase to 24 hours as pharmacist-in-charge to Craig W. Moon, R.Ph., but deny his request for a reduction in screens. Dan Luce abstained. Motion carried.

JOHN LITZENBERG, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant a three-month stay of suspension and an increase to 24 hours as pharmacist-in-charge to John Litzenberg, R.Ph. Dan Luce abstained. Motion carried.

CHARLENE L WILLIS, RPH

In response to Charlene L. Willis, R.Ph., as long as she is practicing as a pharmacist under supervision, and the hours can be attested to, these hours should count.

REVIEW OF MONITORING REPORT

JOHN R SCHMITT, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to terminate the stay of John R. Schmitt, R.Ph. Michael Bettiga abstained. Motion carried.

PROPOSED STIPULATION

KEVIN O'BRIEN, RPH

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Kevin O'Brien, R.Ph. Case advisor – Dan Luce. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to close complaint **00 PHM 072** against the pharmacy for insufficient evidence. Motion carried unanimously.

MOTION: Michael Bettiga moved, seconded by Charlotte Rasmussen, to close complaint **00 PHM 060** for insufficient evidence. Motion carried unanimously.

INFORMATIONAL ITEMS

The Board noted the informational items.

SCHEDULE 2002 BOARD MEETINGS AND EXAMINATIONS

The 2002 Board meetings were scheduled for January 8, February 12, March 12, April 9, May 14, June 11-12, July 9, August 13, September 10, October 8, November 12 and December 10.

The 2002 examinations were scheduled for February 12, April 9, June 11, July 9, August 13 October 8 and December 10.

OTHER BOARD BUSINESS

The Board will meet next month on August 14 only. The August 15 meeting date is canceled.

ADJOURNMENT

MOTION: Charlotte Rasmussen moved, seconded by Georgina Forbes, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:07 p.m.

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